

U.S. BANKRUPTCY COURT
District of South Carolina

Case Number: **16-00819-jw**

SETTLEMENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

FILED BY THE COURT
08/05/2016



US Bankruptcy Judge
District of South Carolina

Entered: 08/05/2016

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Tony A. James and Carolina T. James

C/A No. 16-00819-jw

Chapter 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Debtor(s).

This matter comes before the Court on the motion for relief from the automatic stay filed by SC State Federal Credit Union ("Movant"). The chapter 13 trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

420 Old Walnut Branch, North Augusta, SC 29860

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$27,388.59.

As of August 5, 2016, Debtor has accrued a post petition arrearage in the amount of \$3,811.00. The post petition arrearage consists of:

- Payments for the month(s) of May, June, July, August in the amount of \$700.00 per month.
- Late charges in the amount of \$75.00.
- Attorney's fees and costs in the amount of \$286.00.
- Other costs in the amount of \$650.00 as described: Partial payment owed for April 2016.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning September 1, 2016, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$3,811.00 as follows:

- Pay initial payment of \$1,000.00 by August 8, 2016.
- Pay \$234.25 per month beginning September 1, 2016 for 12 months.
- Pay final payment of \$234.25 by September 1, 2017.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

SC State Federal Credit Union - Attn
April Settle
PO Box 726
Columbia, South Carolina 29202

In the event of a default under the terms of this Order, Movant may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted. The debtor(s) and Trustee shall have ten (10) days from the date of service of the notice of further 362 hearing to object to the Movant's request for relief. If no timely objections are filed, the Court may grant relief without any further hearing.

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor(s)' default under the terms of this settlement order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay is not applicable to any order granting relief for default on this Settlement Order.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/Sabrina E Burgess
Attorney for Movant
District Court I.D. 11494

/s/ Lee Ringler
Attorney for Debtor
District Court I.D. 4796

CERTIFICATION:

Debtor's counsel represents that prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor(s) or the party obligated to pay.

/s/ Lee Ringler
Attorney for Debtor
District Court I.D. 4796